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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,901	01/11/2002	Zvi H. Mciksin	56137533-4	7218
26453	7590	03/29/2004	EXAMINER	
BAKER & MCKENZIE 805 THIRD AVENUE NEW YORK, NY 10022			NGUYEN, THUAN T	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 03/29/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE
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EXAMINER

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Commissioner of Patents and Trademarks

See Attachments

Office Action Summary

Application No.

10/043,901

Applicant(s)

MEIKSIN ET AL.

Examiner

THUAN T. NGUYEN

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 76-87 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 76-87 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 76-87 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 76-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Purchase et al. (U.S. Patent No. 5,432,838) in view of Christ (US Patent No. 5,977,913).

Regarding claims 76-87, Purchase discloses a powerline communication system for communicating in areas where amounts of energy for communication is limited, i.e., underground mines (Fig. 1, and col. 1/lines 10-15), comprising a signal processor, i.e., a headend unit for controlling signal processing process (col. 4/lines 58 to col. 5/line 2), a plurality of signal lines connected to the signal processor to the one or more connector ports (Fig. 1 with a distribution system with a plurality of lines and connector ports, see col. 3/line 28 to col. 4/line 17); and an AC powerline modem connected to the signal processor via one of the one or more interface connector ports, i.e., main connector ports connecting to other ports of other devices via an AC powerline modem (Fig. 1, col. 6/line 45 to col. 7/16 & col. 8/lines 32-43); and a transceiver connected to the AC powerline

Art Unit: 2685

modem, i.e., the system further is equipped to handle even fixed voice telephone or mobile voice radio using transmitter and receiver, namely transceiver (col. 10/line 40 to col. 11/line 54), and the another station can relay or transmit the signals to another device wirelessly within a desired range (Fig. 1/item 16 for a mobile device is in communication with station 100 (col. 7/lines 47-61; and see Fig. 3A & 3B for a closer look a this technique). Purchase further discloses to include other limitations such as peripheral devices connected to the signal processor (Fig. 1), a video monitor system that can monitor the entire operation (col. 14/line 50 to col. 15/line 5), RF transceiver, a personal computer, RS-232 serial ports, and antennas (Figs. 1, 3A-3B, 5A, 6, 8A, 9, and col. 9/line 4 to col. 10/line 39; col. 11/lines 32-54; col. 14/line 50 to col. 15/line 6; and col. 17/line 9 to col. 19/line 62).

Purchase does not clearly show the step of “wherein the AC powerline modem modulates and demodulates the signals for transmission and reception over the AC powerline to another signal processor, and the signals received via the transceiver can be transmitted via the AC powerline modem through the AC powerline to another signal processor, and the signals received from the another signal processor can be transmitted by the transceiver to propagate the signals within a desired range of area”; however, Christ, in an apparatus and method for tracking and locating personnel, teaches to use an AC powerline modem for modulating and demodulating the signals for transmission and reception over the AC powerline to another signal processor within communication units used for connecting and providing communication signals to a central monitoring post computer CMPC 66 (Christ, Fig. 8A/item 86 within a sensor unit PSU and col. 16/line

Art Unit: 2685

10-34; and Fig. 9A/items 91 & 92 within a communication relay unit PSRU, and col. 17/line 60 to col. 18/line 13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Purchase's system with AC powerline modem as taught by Christ in order to provide status or monitoring signals to a central communication unit utilizing an existing AC powerline modem for transmission (Christ, col. 7/line 39 to col. 8/line 18). In addition to claim 87, Christ also suggests including a RS-232 port for communicating to other CMP-PC (Christ, Fig. 10, and col. 20/lines 6-42) as a separate means for connecting devices together as means for galvanically isolating any AC powerline system from the other if a second AC powerline system is connected to a third AC powerline system without connecting to a first one.

Conclusion

4. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)


Hand-delivered responses should be brought to Crystal Park II,

2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Art Unit: 2685

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (703) 308-5860. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is (703) 306-0377.



TONY T. NGUYEN
PATENT EXAMINER, *FS*

Tony T. Nguyen
Art Unit 2685
March 18, 2004